S.B.Civil Writ Petition NO.313/2005

Smt. Ahiliya & Anr.

vs

State of Rajasthan & Ors.

DATE OF ORDER : - 17.1.2005

HON'BLE MR. PRAKASH TATIA,J.

Mr. N.L.Joshi, for the petitioner.

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Heard learned counsel for the petitioner.

The petitioner is aggrieved against the wrong inclusion of his name in the voter list of Gram Panchayat Odaki by the Electoral Registration Officer.

It appears that the voter list was duly prepared and petitioner's name has been entered as voter of the Gram Panchayat Odaki by the Electoral Registration Officer. The petitioner preferred appeal against the said order of the Electoral Registration Officer. The appellate authority after giving opportunity of hearing to the petitioner found that petitioner's name was earlier entered into the voter list of the village Odaki.

Learned counsel for the petitioner submits that petitioner's land is situated in Odaki, but he is resdient of Sauwala. According to learned counsel for the petitioner, the petitioner's name should have been entered as a voter of the village Sauwala.

Since even the appellate authority on the basis of th material available on record held that the petitioner is resident of the area, which is falling in Gram Panchayat Odaki, I do not find that this question of fact can be re-agitated by the petitioner before this court under Articles 226 and 227 of the Constitution of India. However, the petitioner in case wants to have correction in voter list for next election, he can certainly move appropriate application under the relevant rules, i.e., Rajasthan Panchayat Raj Election Rules, 1994 also, but now when the election notification has already issued on 11.1.2005, this court is not inclined to entertain the writ petition of the petitioner.

In view of the above, the writ petition of the petitioner is dismissed.

(Prakash Tatia), J.

c.p.goyal/-